

ENTERED

August 23, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ROBERT ERNEST MORENO,

Plaintiff,

V.

BILL MILLS, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:23-CV-00213

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

Before the Court is Magistrate Judge Mitchel Neurock's Memorandum and Recommendation ("M&R"). (D.E. 13). The M&R recommends that the Court dismiss the case with prejudice as frivolous and for failure to state a claim, not grant Plaintiff leave to amend, and impose a 'strike' against Plaintiff for 28 U.S.C. § 1915(g) purposes. *Id.* at 27.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed.¹ When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Badaiki v. Schlumberger Holdings Corp.*, 512 F. Supp. 3d 741, 743–44 (S.D. Tex. 2021) (Eskridge, J.).

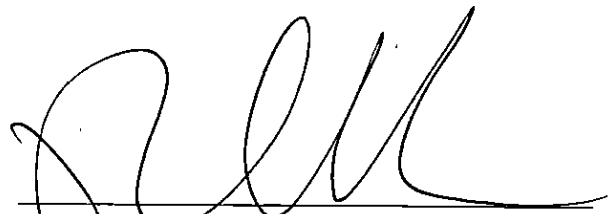
Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 13). Accordingly, the Court

¹ The Court mailed a copy of the D.E. 13 M&R to Plaintiff. This mail was returned as undeliverable. *See* (D.E. 14). The Court then resent the M&R, *see* (D.E. 15; D.E. 17), and extended Plaintiff's time to file objections, *see* (D.E. 17).

ORDERS that this case be **DISMISSED with prejudice** as frivolous and for failure to state a claim. (D.E. 1).

Further, the Court **INSTRUCTS** the Clerk of Court to send notice of this dismissal to the Manager of the Three Strikes List for the Southern District of Texas at Three_Strikes@txs.uscourts.gov. Finally, the Court **INSTRUCTS** the Clerk of Court to send a copy of this Order, as well as the D.E. 13 M&R, to Plaintiff at the J. Dale Wainwright Unit, 2665 Prison Road #1; Lovelady, TX 75851.²

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
August 22nd, 2024

² While the docket sheet lists Plaintiff's address as the Byrd Unit in Huntsville, Texas, it appears from the Texas Department of Criminal Justice Inmate Search that he is currently housed in the J. Dale Wainwright Unit. *See Inmate Search*, Tex. Dep't. of Crim. Just., <https://inmate.tdcj.texas.gov/InmateSearch/start.action> (last visited Aug. 22, 2024) (searching TDCJ Number 02477237).